

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Pagan**

A Bill

SENATE BILL 279

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT ANY PROVISION OF ANY LAWSUIT
9 SETTLEMENT CONTRACT WHICH PURPORTS TO RESTRICT ANY
10 PERSON'S RIGHT TO DISCLOSE THE EXISTENCE OR HARMFULNESS OF
11 AN ENVIRONMENTAL HAZARD IS CONTRARY TO PUBLIC POLICY AND
12 VOID; AND FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Any provision of a contract or agreement entered into to
17 settle a lawsuit which purports to restrict any person's right to disclose the
18 existence or harmfulness of an environmental hazard is declared to be against
19 the public policy of this State and therefore void.

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21 SECTION 2. For purposes of this Act, the term "environmental hazard"
22 means a substance or condition that may affect land, air, or water in a way
23 that may cause harm to the property or person of someone other than the
24 contracting parties to a lawsuit settlement contract referred to in Section 1
25 of this Act.

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27 SECTION 3. This act applies to settlement contracts or agreements
28 entered into after the effective date of this Act.

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30 SECTION 4. All provisions of this Act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 5. If any provision of this Act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the Act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 Act are declared to be severable.

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5 SECTION 6. All laws and parts of laws in conflict with this Act are
6 hereby repealed.

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8 SECTION 7. EMERGENCY. It is hereby found and determined by the General
9 Assembly that provisions of a lawsuit settlement contract which would prohibit
10 any person's disclosure of the existence of an environmental hazard is
11 contrary to public policy; that such provisions are included in many lawsuit
12 settlement contracts; that this Act applies to such contracts entered into
13 after its effective date; and that this Act should therefor go into effect
14 immediately. Therefore, an emergency is hereby declared to exist and this Act
15 being immediately necessary for the preservation of the public peace, health
16 and safety shall be in full force and effect from and after its passage and
17 approval.

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/s/Pagan

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